

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-0708-01	REGULATORY ACTION NUMBER 2016-1206-01S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JAN 20 2017

1:42 P.M.

2016 DEC -6 A 10:14

OFFICE OF  
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY  
California Department of Social Services

AGENCY FILE NUMBER (if any)  
ORD #0416-07

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER 2016 30-2	PUBLICATION DATE 7/22/2016

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Temporary Absence	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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## 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 24, if notice related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	42-711 and 82-812
TITLE(S) MPP	REPEAL

## 3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

## 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

## 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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## 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Kenneth Jennings	TELEPHONE NUMBER (916) 651-8862	FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) kenneth.jennings@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Karen Dickerson</i>	DATE 11/16/16
TYPED NAME AND TITLE OF SIGNATORY KAREN DICKERSON, Acting Deputy Director, Administration Division	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 20 2017

Office of Administrative Law

Amend Section 42-711 to read:

**42-711      WELFARE-TO-WORK PARTICIPATION REQUIREMENTS      42-711**

.1 - .43      (Continued)

.5      Assignment of Recipients to Welfare-to-Work Activities

- .51      After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

HANDBOOK BEGINS HERE

.511 (Continued)

HANDBOOK ENDS HERE

- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.687, and the county child welfare services agency determines that such services are necessary for family reunification.

.513-.582 (Continued)

.6      Welfare-to-Work Plan and Universal Engagement

- .61      After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.687 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, but no later than the time frame specified in Section 42-711.62 for non-exempt individuals. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.687. If the county uses the family reunification (FR) plan in lieu of the welfare-to-work plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.

Note: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006).

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.1(a), 11320.1(b), 11320.1(c), 11320.15, 11320.3, 11322.6, 11322.8, 11322.85, 11322.85(a)(2) and (3), 11322.86, 11324.8(a), (b) and (c), 11325.2, 11325.2(a), (b) and (c), 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.24, 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, 11327.5, 11327.6, 11454, 13283, 15204.2 and .8, 16501.1(d) and (f), and 18945(a), Welfare and Institutions Code; and 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), (c)(2)(A)(i), and (d).

Amend Section 82-812 to read:

**82-812 TEMPORARY ABSENCE**

**82-812**

.1 - .415 (Continued)

.5 One Full Calendar Month  
Time Limit

Any member of the AU shall be considered temporarily absent when absent from the home for one full calendar month or less.

.51 One Full Calendar  
Month

For the purpose of this section, one full calendar month shall be from the first of the month through the last day of the month.

(a)

If the individual has been absent for the entire month of February, but less than 30 days, the calendar month will not be deemed completed until the individual has been absent for 30 days.

.52 Action on Absences

If the individual is considered permanently absent from the AU, the following actions must be taken:

(a)(SAR)

The AU must report the absence of the individual on their next semi-annual report or annual redetermination of eligibility. If the individual is still absent, they will be removed from the AU at the end of the SAR Payment Period. If the absence occurred mid-period and the individual is back in the home, no action shall be taken. If the AU reports the absence mid-period, it shall be treated like a voluntary mid-period report as described in Section 44-316.31(SAR).

(b)(AR/CO)

The AU must report the absence as a mid-period change in household composition, as required in Section 44-316.321(f)(AR/CO), and the individual shall be removed from the AU at the end of the month with timely notice.

(c)

If the client reports or the county becomes aware that an individual is permanently absent due to being confined in a correctional facility (as described in Section 82-812.61), the county shall take mid-period action to remove that individual from the AU at the end of the month with timely notice [see Section 44-316.331(s)].

## HANDBOOK BEGINS HERE

### .523 Examples

(a)

On February 2nd, a member of the AU leaves the home to visit an uncle in Nevada and returns on March 16th. The person was not gone for one full calendar month and would be considered temporarily absent.

(b)(AR/CO)

On April 16th, a member of the AU leaves home because of a death in the family. The person does not return until June 3rd. The person was gone more than one full calendar month and ~~was not eligible for aid in June as of the end of May~~ was considered permanently absent. The AU must report this absence by June 10th (10 days after the individual was considered permanently absent from the AU). If the individual is still absent, they will be removed from the AU effective the end of June; however, because in this case the person was back in the home before the effective date of the discontinuance, they would not be removed from the AU.

(c)

In a non-leap year an individual leaves the home on February 1. The individual is not considered permanently absent until March 3, after 30 days away from the home.

(d)(SAR)

An AU is in the March through August SAR Payment Period. An individual leaves the home on April 1<sup>st</sup> and returns home on May 15<sup>th</sup>. The individual was gone for more than one calendar month, so they are considered permanently absent, however, they returned to the home before the July SAR 7 was due, so the AU never had to report the absence and there will be no effect on the individual's eligibility.

HANDBOOK ENDS HERE

.6 Exceptions to One Full Calendar Month Time Limitation

Exceptions include:

.61 Correctional Facility

A person confined in a correctional facility on the first of any month and expected to remain for one full calendar month or more shall be considered permanently absent.

~~.62 Child in a Public Hospital~~

~~A child in a public hospital for up to two full calendar months shall be considered temporarily absent.~~

.632 Hospitalization

~~A person~~ Any member in the AU that is hospitalized; ~~other than a child in a public hospital, may~~ shall be considered temporarily absent for the duration of the hospital stay.

.6321

(Continued)

~~.64.63~~

(Continued)

~~.65.64~~

(Continued)

~~.66.65~~

(Continued)

.6651

(Continued)

~~.67.66~~

(Continued)

.6761

(Continued)

~~.68.67~~

(Continued)

.6871

(Continued)

(a) - (c)

(Continued)

.6872

(Continued)

.6873

(Continued)

(a)

(Continued)

.6874

(Continued)

.6875

(Continued)

.6876

(Continued)

.6877	(Continued)
(SAR)(a) - (f)	(Continued)
.6878	(Continued)
(a) - (c)	(Continued)
.7	(Continued)

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11265.1(c), 11265.2(d), 11265.3(h), 11265.45, 11265.45(b), 11265.47(c)(2), 11269, 11323.4, 11327.5(d), and 11454, Welfare and Institutions Code; and 42 USC 608(a)(10).